



Governor
Janet Napolitano

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**
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Board Members:
David M. Steinway, D.O., Pres.
Stanley J. Grossman, V.P.
F. P. Wedel, D.O.
Arlene England, D.O.
Mary Ann Picardo, D.O.
Scott Steingard, D.O.
Jon B. Fiegen
Executive Director
Jack Confer

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY**

Saturday, July 26, 2008

BOARD MEMBERS PRESENT: President David Steinway, D.O., Mary Ann Picardo, D.O. Arlene England, D.O. Scott Steingard, D.O., and Mr. Fiegen

BOARD MEMBERS ABSENT: Mr. Stanley J. Grossman and F. P. Wedel, D.O. were excused from the meeting.

STAFF / OTHERS PRESENT: Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
Beverly Alfson, Business/Licensing Manager
John O'Hair-Schattenberg, Investigator
Blair C. Driggs, Assistant Attorney General
Kathy Fowkes, Administrative Secretary
Carol Whipple, Certified Court Reporter

1. CALL TO ORDER

The Board President, Dr. David Steinway, called the meeting to order at 8:01 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Deputy Director took the roll. The Board Members listed above were present, establishing quorum for the meeting.

3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

- A. Dr. Picardo welcomed the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
- B. Dr. Steinway stated that the Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. Open Session Minutes May 17, 2008.

MOTION: Dr. Steingard moved to accept the minutes as amended. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion carried unanimously.

- B. Executive Session Minutes May 17, 2008

MOTION: Dr. Steingard moved to accept the minutes. Mr Fiegen seconded.

ROLL CALL VOTE: Motion carried unanimously.

5. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

Case Reviews Consent Agenda:

The cases in this block (Agenda items B, C, D, E, F, G, I, J, K, and L) were reviewed and included in a single vote by the Board:

B.	David Schwartz, D.O.	Case No. 3857M	License No. 2478
C.	Brock Merritt, D.O.	Case No. 3919	License No. 4072
D.	Gabriel Perry, D.O.	Case No. 3917	License No. 3545
E.	Aaron Love, D.O.	Case No. 3937	License No. 4373
F.	Veronica Sutherland, D.O.	Case No. 3943	License No. 3788
G.	Myron Licht, D.O.	Case No. 3900	License No. 2800
I.	Mark Griswold, D.O.	Case No. 3973	License No. 2799
J.	Michael Ahmann, D.O.	Case No. 3929	License No. 4509
K.	Steven Cox, D.O.	Case No. 3911	License No. 3561
L.	Larry Voelker, D.O.	Case No. 3906	License No. 3356

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Passed unanimously 5-0.

Case Reviews:

A. Dana Nitke, D.O. Case No. 3938 License No. 3402

Complainant was present and answered all questions posed by the Board.

Motion: Dr. Steingard moved for **DISMISSAL**. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

Roll Call Vote: Motion passed unanimously, 5-0.

H. James Beck, D.O. Case No. 3818 License No. 1301

Complainant was present and answered all questions posed by the Board. Dr. Beck was present and addressed the Board.

Motion: Dr. England moved for **DISMISSAL**. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

Roll Call Vote: Motion passed unanimously, 5-0.

M. Leroy Goedecke, D.O. Case No. 4038 License No. 0643

Dr. Goedecke was present with Jim Pnifer, Esq as counsel. Complainant was present with family member and addressed the Board. Counsel addressed the Board. Dr. Goedecke answered all questions posed by the Board.

MOTION: Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Dr. Picardo seconded.

VOTE: Passed 4-1 with Dr. England dissenting.

N. Jack Wolfson, D.O. Case No. 3779M License No. 3761

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. England seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Passed 5-0.

Board directed staff to refer this case to the nursing board.

O. John Deuel, D.O. Case No. 3958 License No. 4459

MOTION: Dr. Picardo moved for an **INVESTIGATIVE HEARING**. Dr. Steingard seconded.

ROLL CALL VOTE: Passed 5-0.

P. Gene Carsia, D.O. Case No. 3932 License No. 3325

MOTION: Dr. Steingard moved for an **INVESTIGATIVE HEARING** and a neuropsychological evaluation to take place prior to the next meeting. Dr. Picardo seconded.

ROLL CALL VOTE: Passed 5-0.

Q. Rustin Crawford, D.O. Case No. 4044 License No. 3457

MOTION: Dr. Steingard moved for **INVESTIGATIVE HEARING**. Dr. England seconded.

VOTE: Passed 5-0.

R. Henry Tomlinson, D.O. Case No. DO-08-4073 License No. 2639

MOTION: Dr. Steingard moved for **INVESTIGATIVE HEARING**. Dr. England seconded.

VOTE: Passed 5-0.

S. David Chisholm, D.O. Case No. 4025 License No. 4283

The physician was not present. The complainant was present and addressed the Board.

MOTION: Dr. England moved for an **INVESTIGATIVE HEARING**. Dr. Picardo seconded.

VOTE: Passed 5-0.

T. Carl Ferguson, D.O. Case No. 4007 License No. 2244

MOTION: Dr. England moved for **INVESTIGATIVE HEARING**. Dr. Picardo seconded.

VOTE: Passed 5-0.

U. Francisco Jaume, D.O. Case No. 3877 License No. 4007

Physician was not present. Complainant was present and addressed the Board.

MOTION: Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Dr. Picardo seconded.

VOTE: Motion passed unanimously 5-0.

V. Richard Gladding, D.O. Case No. 3744 License No. 1894

Dr. Gladding was present and answered all questions posed by the Board.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Passed unanimously 5-0.

W. George Engisch, D.O. Case No. 3927M License No. 1197

MOTION: Dr. Steingard moved for a **LETTER OF CONCERN** (A.R.S. 32:1854(6)(38) with 30 hours of **CONTINUING MEDICAL EDUCATION** in the area of evaluation and interpretation of mammography. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Passed 5-0.

X. Gary Newman, D.O. Case No. 3904M License No. 3131

Dr. Newman was present with Peter Kline, Esq. as counsel. All questions posed by the Board were answered.

MOTION: Dr. England moved for **DISMISSAL**. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	3		X	X	X			
NO	0	X				X		
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed 3-2, with Dr. Steinway and Mr. Fiegen dissenting.

Y. Conrad Manayan, D.O. Case No. 3982 License No. 3943

Dr. Manayan was present with Christopher J. Smith, Esq. as counsel. Complainant was also present. Mr. Smith addressed the Board. Both Dr. Manayan and complainant answered all questions posed by the Board.

MOTION: Dr. England moved for a **LETTER OF CONCERN** for A.R.S. 32:1854(6)(38) with **30 hours CONTINUING MEDICAL EDUCATION** in the area of breast cancer diagnosis and surgical therapy. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Passed 5-0.

Z. Lynne Pirie, D.O. Case No. 3985 License No. 1878

Dr. Picardo recused herself from this case.

Dr. Pirie was present and answered all questions posed by the Board.

MOTION: Dr. England moved for **LETTER OF CONCERN** regarding A.R.S. 32:1854(21) for failure to provide medical records in a timely fashion. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X		X		
NO	0							
ABSTAIN	0				X			
ABSENT	2						X	X

ROLL CALL VOTE: Passed 4-0.

AA. Olivia Morris, D.O. Case No. 3995 License No. 4121

Dr. Morris was present with Mike Harper, Esq. as counsel for the physician.

Board recessed for Executive Session at 9:40 a.m.
Board returned to Open Session at 9:44 a.m.

Dr. Morris and Counsel answered all questions posed by the Board.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Passed unanimously 5-0.

BB. Jack Hawks, D.O. Case No. 3872 License No. 4049

Dr. Hawks was present and answered all questions posed by the Board.

MOTION: Dr. Picardo moved for **INVESTIGATIVE HEARING**. Dr. Steingard seconded.

VOTE: Motion passed unanimously 5-0.

CC. James Miller, D.O. Case No. 4045 License No. 3063

MOTION: Dr. Steingard moved for **INVESTIGATIVE HEARING**. Dr. England seconded.
Board directed staff to offer a consent agreement due to the physician's illness.

ROLL CALL VOTE: Motion passed 5-0.

DD. Teresa Borchers, D.O. Case No. DO-08-4087 License No. 3681

Board recessed for Executive Session at 10:28 a.m.
Board returned to Open Session at 10:35 a.m.

MOTION: Dr. England moved for an **INVESTIGATIVE HEARING**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed 5-0.

EE. Mark Goldstein, D.O. Case No. DO-08-4107 License No. 1572

MOTION: Dr. Steingard moved to Administratively Close this case. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed unanimously, 5-0.

6. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-109.

A. Steven Locnikar, D.O. Application for Licensure

Dr. Locnikar was present and answered all questions posed by the Board.

Dr. Steinway tabled this matter until further information is obtained.

7. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I)

A. John Kosik, D.O. Case No. 4095 License No. 5026

MOTION: Dr. Steingard moved to deny the physician's request. Dr. Steinway seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed 5-0.

8. REVIEW, DISCUSSION AND ACTION ON FORMAL ADMINISTRATIVE HEARING PURSUANT TO A.R.S. § 32-1855(E) AND/OR CONSIDERATION OF STIPULATED CONSENT ORDER OR REVERTING THIS MATTER BACK TO AN INVESTIGATIVE HEARING (2:00 p.m.)

A. Charles Knouse, D.O. Case No. 3821 License No. 3841

Dr. Knouse was not present. The A.A.G. presented a proposed consent agreement with Decree of Censure for the Board's consideration.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	0							
NO	5	X	X	X	X	X		
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE TO ACCEPT CONSENT AGREEMENT: Motion failed unanimously.

MOTION: Dr. Steingard moved for an **INVESTIGATIVE HEARING**, and prior to the hearing Dr. Knouse is ordered to have a neuropsychological evaluation. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed unanimously, 5-0.

9. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.

A. Stephen McKay, D.O. Case No. 3852 License No. 3941

Dr. McKay was present with counsel Fred Cummings, Esq. and was sworn in. The Medical Consultant summarized the case.

MOTION: Dr. England moved for DISMISSAL. Motion was not seconded.

Dr. Steinway tabled this case until the next Board Meeting.

B. POSTPONED

C. POSTPONED

D. Brian Page, D.O. Case No. 3894 License No. 3416

Dr. Page was present and sworn in. He was accompanied by Chessika Hull, Esq. as counsel for the physician. The Investigator summarized the case. Counsel addressed the Board.

MOTION: Dr. England moved for **DISMISSAL**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed 5-0.

E. Salvatore LaCognata, D.O. Case No. 3881 License No. 3700

Dr. LaCognata was not present.

MOTION: Dr. England moved for a Formal Administrative Hearing. Dr. Steingard seconded for purposes of discussion.

ROLL CALL VOTE: Failed 2-3, with Dr. Steinway, Dr. Steingard and Mr. Fiegen dissenting.

SECOND MOTION: Dr. Steinway motioned to move case back to Case Review. Dr. Picardo seconded.

ROLL CALL VOTE: Motion carried 4-1, with Dr. Steingard dissenting.

Complainant was present and answered all questions posed by the Board.

THIRD MOTION: Dr. England moved for **DISMISSAL**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed unanimously, 5-0.

F. Budi Bahureksa, D.O. Case No. 3918 License No. 3901

Dr. Bahureksa was present and sworn in. The Investigator summarized the case. Dr. Bahureksa answered all questions posed by the Board.

MOTION: Dr. Steinway moved for **DISMISSAL WITHOUT PREJUDICE**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	3	X		X	X			
NO	2		X			X		
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed 3-2 with Mr. Fiegen and Dr. England dissenting.

G. David Hatfield, D.O. Case No. 3847 License No. 2913

Dr. Hatfield was present and sworn in. The Medical Consultant summarized the case. Dr. Hatfield answered all questions posed by the Board.

Board recessed for Executive Session at 11:57 a.m.

Board returned to Open Session at 12:00 p.m.

MOTION: Dr. Picardo moved for **20 hours** of non-disciplinary **CONTINUING MEDICAL EDUCATION** in the area of breast diseases, to be completed within 6 months. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	3			X	X	X		
NO	2	X	X					
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed 3-2, with Dr. Steinway and Dr. England dissenting.

Board recessed for Executive Session at 12:15 p.m.
Board returned to Open Session at 1:00 p.m.

H. Richard Dexter, D.O. Case No. 3978 License No. 3441

Dr. Dexter was not present. Dr. Steinway tabled this case until the next meeting.

I. Robert Tucker, D.O. Case No. 4026 License No. 2810

Dr. Tucker was present, sworn in, and answered all questions posed by the Board.

MOTION: Dr. England moved for **DISMISSAL**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed 5-0.

Board recessed at 2:18 pm.
Board returned to open meeting at 2:28 pm.

10. REVIEW, CONSIDERATION AND POSSIBLE VOTE ON CONSENT AGREEMENT

A. Michael Dubets, D.O. Case No. 3957 License No. 2589

The A.A.G. summarized the case and presented a proposed consent agreement for **SURRENDER OF LICENSE WITH CAUSE** for the Board's consideration.

MOTION: Dr. Steingard moved to **ACCEPT** the proposed consent agreement. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	5	X	X	X	X	X		
NO	0							
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Passed unanimously 5-0.

B. Stephen McKay, D.O. Case No. 3955 License No. 3941

Dr. McKay was present with Fred Cummings, Esq., counsel for the physician. The A.A.G. reviewed the case and the proposed consent agreement. Physician and counsel answered all questions posed by the Board.

This case was tabled.

11. EXECUTIVE DIRECTOR REPORT:

- A. Mandatory Reporting of Suspected Child Abuse
- B. John O'Hair Schattenberg Certified Medical Board Investigator
- C. Affiliated Monitors, Inc.

Vincent L. DiCianni, President of Affiliated Monitors, Inc., presented to the Board information regarding independent monitoring services provided by his organization.

- D. Arizona Medical Board Substantive Policy Statement #13--Duties of Hospitals and Physicians to Report Peer Review/Quality Assurance Information
- E. Financial Report

12. NEW LEGISLATION

- A. Discussion of A.R.S. § 32-1832. Retired license; waiver of fees; reinstatement; limited license; volunteer work

The Board reviewed the statute.

13. REVIEW, CONSIDERATION AND POSSIBLE VOTE ON CONSENT AGREEMENT TO RESOLVE OUTSTANDING LITIGATION

- A. S. Foster Easley, III., DO vs. The State of Arizona and the Arizona Board of Osteopathic Examiners in Medicine and Surgery, LC2008-000170-001

Board recessed for Executive Session at 3:43 p.m.
Board returned to Open Session at 4:00 p.m.

Former patient of Dr. Easley addressed the Board regarding Dr. Easley's compassion and care while he suffered a long term illness.

The A.A.G. presented a Consent Agreement for the Board's consideration.

MOTION: Dr. England moved to **ACCEPT** the Consent Agreement. Dr. Picardo seconded.

	Vote	Dr. Steinway	Dr. England	Dr. Steingard	Dr. Picardo	Mr. Fiegen	Mr. Grossman	Dr. Wedel
YES	4	X	X		X	X		
NO	1			X				
ABSTAIN	0							
ABSENT	2						X	X

ROLL CALL VOTE: Motion passed 4-1 with Dr. Steingard dissenting.

14. Executive Director Search (8:05 a.m.)

- A. Executive Recruitment, Arizona Department of Administration to present overview/status of process
- A representative from DOA provided the Board with an overview of the recruitment process.

15. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON PHYSICIAN COMPETENCY EVALUATION RESOLUTION

- A. FSMB Resolution 08: Need for Mechanism to Assess Clinical Skills in Practicing Physicians
- The Board discussed the resolution.

16. ADJOURNMENT

Dated this ____ day of _____, 2008.

Barbara Meyers, Deputy Director